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SUBJECT: PRESSING AYATOLLAH MOHSENI ON HUMAN RIGHTS FOR ALL
AFGHANS

11. SUMMARY: The Charge called on Mohammad Asef Ali Ayatollah Mohseni, Afghanistan's highest ranking Shia cleric, on April 16 to register U.S. concerns that the Shia Family Law that emerges from ongoing internal Afghan reconsideration -- if it emerges at all -- be consistent with the protections of human rights for all under International Law and the Afghan constitution. Mohseni said the Shia Family Law was an internal Afghan matter, and one of religious importance. He believed that the law was constitutional, and asserted the West was interfering without understanding the law. Mohseni's Tamadon TV station broadcast and reported on the meeting, but the report provided an incomplete overview, reporting on the CDA's comments of respect for the Shia community but omitting his statements of concern over the law. The CDA's Radio Azadi interview of 4/20 once again addressed our objections to the draft law's evident gender discrimination.

12. The Charge paid his introductory call on Ayatollah Mohseni at Mohseni's Khatamul Nabayeen Education Center. Mohseni was accompanied by three senior religious advisors. A camera crew from Mohseni's Tamadon television station filmed the entire 75-minute meeting. The Charge and Mohseni conducted the discussion in a mix of Arabic and English-Dari translation.

Mohseni: West Doesn't Understand Shia Family Law

13. After extensive opening courtesies, Mohseni objected to western involvement in the family law issue, contending this was a Shia community and Afghan domestic issue, and should not have become an international one. He regretted that the law had become a political topic, as he viewed it as a legal matter. Mohseni maintained the law allowed greater freedom for women than western laws did, and that the law did not violate the Afghan constitution. Finally, although he believed it inappropriate for western politicians to comment on the law, he offered that he would be ready to meet with western legal and religious scholars to hear their concerns.

CDA: Protect the Rights of All Afghans

14. The CDA took a respectful tone throughout the conversation. He assured Mohseni of our deep respect for all Afghans, including the Shia community. He affirmed the United States' commitment to freedom of religion. Citing Mohseni as one of the father's of Afghanistan's constitution, Charge affirmed our support for the constitution: the Shia community had the right to apply Shia jurisprudence on personal matters involving its community, but such jurisprudence should also be consistent with the equal protection provisions of the Constitution, as well as those Afghanistan has agreed to under international agreement.

15. The Charge told Mohseni that while Americans respect Afghanistan and its sovereignty, the U.S. and the world community share serious concerns many Afghans have expressed regarding the law's apparent encroachment on women's

equality. The CDA declared that the United States was committed to Afghanistan's prosperity, stability and development. Achieving success in these areas would require the contribution of 100 percent, not just 50 percent, of the Afghan people to help build Afghanistan.

¶6. The Charge welcomed Mohseni's pledge to consult with the international community on its concerns over the law, and expressed his confidence that Afghans could find an Afghan solution, consistent with the Afghan constitution and International law

Setting the Public Record Straight

¶7. Tamadon TV's later broadcast and report of the CDA-Mohseni meeting featured the CDA's comments of respect for the Shia community but edited out the CDA's comments stressing U.S. concerns regarding equal protection of the law for all Afghans. The CDA's interview with Radio Azadi on 4/20 cited the conversation with Mohseni and once again stressed U.S. concern that the Shia Family Law should protect the equal rights of all Afghans without discrimination on the basis of gender, under the constitution and International Law.
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